



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

24 APR 2007

SELDON & SCILLIERI
10940 WILSHIRE BLVD.
18TH FLOOR
LOS ANGELES CA 90024-3952

In re Application of	:	
HUBBARD et al.	:	
Application No.: 10/549,649	:	
PCT No.: PCT/US2004/006084	:	
Int. Filing Date: 19 March 2004	:	DECISION
Priority Date: 19 March 2003	:	
Attorney Docket No.: ASI/1400(US)	:	
For: SYSTEM FOR MEASURING AND	:	
INDICATING CHANGES IN THE RESISTANCE	:	
OF A LIVING BODY	:	

This is a decision on applicants' submission filed in the United States Patent and Trademark Office (USPTO) on 15 March 2007 which includes a "PETITION TO REVIVE AND TO REFUND PETITION FEE", which has properly been treated as a petition under 37 CFR 1.181, a renewed petition under 37 CFR 1.47(a), and a request for status under 37 CFR 1.42.

BACKGROUND

On 19 March 2004, applicants filed international application PCT/US2004/006084, which designated the United States and claims a priority date of 19 March 2003. A copy of the international application was communicated from the International Bureau to the USPTO on 04 November 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 19 September 2005.

On 15 September 2005, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a declaration of inventors.

On 02 May 2006, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that the declaration of the inventors filed 15 September 2005 was not in compliance with 37 CFR 1.497(a)-(b) because the signature of one of the inventors was missing and because the citizenship and residence of the deceased inventor Lafayette Ron Hubbard was missing.

On 17 October 2006, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, an assertion of small entity status, a petition/fee for a four-month extension of time, a statement of facts by Robert A. Selden, the surcharge under 37 CFR 1.492(h), and a Supplemental Sheet for the declaration of inventors filed 15 September 2005. The indication in the declaration of inventors that inventor Lafayette Ron Hubbard is deceased and the Supplemental Sheet was treated as a request for status under 37 CFR 1.42.

On 17 November 2006, a decision was mailed refusing applicants' request for status under 37 CFR 1.42 and dismissing without prejudice applicants' petition under 37 CFR 1.47(a). Specifically, as to the request for status under 37 CFR 1.42, it was noted that a replacement page or a supplemental page to the original declaration was not sufficient, and as to the petition under 37 CFR 1.47(a), it was noted that the declaration of inventors filed 15 September 2005 was not in compliance with 37 CFR 1.497(a)-(b).

On 15 March 2007, applicants filed the instant "PETITION TO REVIVE AND TO REFUND PETITION FEE", which has properly been treated as a petition under 37 CFR 1.181, a renewed petition under 37 CFR 1.47(a), and a request for status under 37 CFR 1.42.

DISCUSSION

Petition Under 37 CFR 1.181

In the "PETITION TO REVIVE AND TO REFUND PETITION FEE", applicants request that the NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) mailed 05 March 2007 be withdrawn. The NOTIFICATION was sent in error and is hereby VACATED.

Fees

The petition fee of \$750 has been credited to Deposit account 01-2529. However, a two-month extension of time fee of \$225 has been charged to this Deposit Account.

Request for Status Under 37 CFR 1.42

The submission filed 15 March 2007 has been reviewed and has been found in compliance with 37 CFR 1.42.

Petition Under 37 CFR 1.47(a)

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

As noted in the decision mailed 17 November 2006, items (1)-(3) have been met.

Item (4) has now been met. The declaration filed 15 September 2005 taken together with

the declaration filed 15 March 2007 are in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **GRANTED**.

For the reasons set forth above, the NOTIFICATION OF ABANDONMENT mailed 05 March 2007 is **VACATED**.

For the reasons set forth above, the request for status under 37 CFR 1.42 is **GRANTED**.

For the reasons set forth above, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date of **15 March 2007**.



Daniel Stemmer

Legal Examiner

PCT Legal Affairs

Office of Patent Cooperation Treaty

Legal Administration

Telephone: (571) 272-3301

Facsimile: (571) 273-0459